



## PROBLEM-SOLVING COURTS PRACTICE GUIDELINES Local Court Rules

### I. Fees for Drug Court Services

A drug court that intends to charge participants a drug court fee must adopt by local rule a schedule of fees assessed to eligible participants for drug court services in accordance with Indiana Trial Rule 81. The cost of all combined certified drug court services that are provided to a participant under any one (1) cause number may not exceed the amount permitted by IC 12-23-14.5-12.

Examples of existing local rules:

- Allen County LR02-TR00-49

#### Schedule of Fees for Court Alcohol and Drug Program Services

The Criminal Division of this Court, having previously determined that assessment of fees for services provided by the Court's Drug and Alcohol Programs (Alcohol Countermeasures Program (ACP) and Drug Court Intervention Program) for clients enrolled in these programs is appropriate, the Court now adopts the following SCHEDULE OF FEES pursuant to the authority granted by statute in I.C. 12-23-14 and I.C. 12-23-14.5:

- (1) ACP user fee of \$200.00 per case referred; payable to the Clerk of the Court;
- (2) Drug Court user fee of \$500.00, payable to the Clerk of the Court;
- (3) Drug Court drug screen fee (UDS) as follows: \$30.00 for a positive, dilute or missed screen, \$10.00 for a negative screen, payable to Criminal Division Services for deposit with the Auditor of Allen County into the County User Fee Fund (Drug Court account);
- (4) ACP drug screen fee (UDS) of \$30.00 payable to Criminal Division Services for deposit with the Auditor of Allen County into the County User Fee Fund (ACP account);
- (5) Alcohol/Drug Education Curriculum fee of \$200.00 for a twenty (20) hour course; \$150.00 for a twelve (12) hour course, payable to Criminal Division Services for deposit with the Auditor of Allen County into the County User Fee Fund (ACP account).

Pre-Trial Services (PTS) Drug Screen fee of \$30.00 payable to Criminal Division Services for deposit with the Auditor of Allen County into the County User Fee Fund.

- Howard County LR34-AR00-34

Those persons directed to participate in the Howard County Circuit Court Juvenile Drug Court Program or the Howard County Superior 1 Drug Court Program shall pay a five hundred dollar (\$500.00) program fee. Any or all of said fee may be waived,

by the respective Drug Court, in its sole discretion, as an “incentive award” for an individual participant.

- Porter County LR64-AR00-7200

Those persons directed to participate in the Porter County Drug Court Program shall pay a \$500 program fee in accordance with IC 12-23-14.5-12, as well as any additional costs associated with recommended treatment. The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

- St. Joseph County LR71-AR00-1001

The Courts adopt the following schedule of fees for referrals to the Court Substance Abuse Program (CSAP) and Drug Court.

1001.1. CSAP User Fee. A party referred to CSAP shall pay a user fee of \$400.00, which is payable to the Clerk of the Court. This CSAP user fee will include an assessment, participation in drug education, if recommended, case monitoring and case closure.

1001.2. Drug Court User Fee. A party referred to Drug Court shall pay a user fee of \$500.00, which is payable to the Clerk of the Court. This Drug Court user fee will include an assessment, participation in drug education, if recommended, case monitoring and case closure.

1001.3. Urine Drug Screening Fees. Urine Drug Screening Fees payable to the Court Substance Abuse Program laboratory for deposit with the auditor as follows:

(a) Drug Court Urine Drug Screening Fees: \$20.00 for positive drug screens, \$15.00 for negative drug screens, \$3.00 for no specimen fees, \$2.00 for breathalyzer fee, and \$45.00 for confirmation testing at an off-site laboratory.

(b) CSAP Urine Drug Screening Fees: \$15.00 for drug screens, \$3.00 for no specimen fees, \$2.00 for breathalyzer fee, and \$45.00 for confirmation testing at an off-site laboratory.

## **II. Problem-Solving Court Case Assignment**

A court may adopt a local rule specifying the location of a problem-solving court and the cases eligible to be filed in or referred to the problem-solving court in accordance with Indiana Trial Rule 81. This rule may be brief by merely noting which court has jurisdiction over the problem-solving court program or may be more specific to meet the needs of a particular court.

Sample local rule for a drug court:

### **\_\_\_\_\_ COUNTY LOCAL CRIMINAL RULES**

#### **LR\_\_-CR\_\_- \_\_\_\_\_ CASE ASSIGNMENT AND ALLOCATIONS**

##### **Drug Court.**

(1) A "Drug Court" is established to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers as determined by its written policy and procedures.

(2) The day-to-day operation and management of the Drug Court shall be assigned to \_\_\_\_\_.

(3) All criminal charges shall be filed as otherwise provided in this rule. However, after a charge has been filed, a judge may refer the defendant to Drug Court, and if accepted by the Drug Court, transfer the defendant's case to the Drug Court for services in accordance with Drug Court policy and procedures.

(4) A judge may refer a probationer to Drug Court, and if accepted by the Drug Court, require a probationer to participate in Drug Court as a condition of probation in accordance with Drug Court policy and procedures.